

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INFORMATION DISCLOSURE STATEMENT

TRANSMITTAL FORM

In re Application of: Imperante et Al.

Serial No:

Filed:

Ref: PRC-002

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Dear Sir;

Please find enclosed the following components of an information disclosure statement:

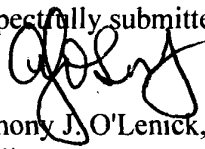
1. PTO list of patents cited
2. Discussion under rule 98
3. Cited patents as follows;

U.S. Patent 6,180,806

U.S. Patent 6,331,293

Applicant respectfully contends that this package conforms to the provisions of 37 C.F.R. 1.98 and 37 C.F.R. 1.97. Applicant respectfully requests that the information contained herein be considered by the examiner in charge of the case.

Respectfully submitted;



Anthony J. O'Lenick, Jr.
Applicant
September 4, 2003
(678) 442-0210

+

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Complete if Known**Application Number**

Filing Date

First Named Inventor

Group Art Unit

Examiner Name

Attorney Docket Number

Sheet

4

of

1

Attorney Docket Number

U.S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

[illegible]

Examiner
Signature

Date _____

Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

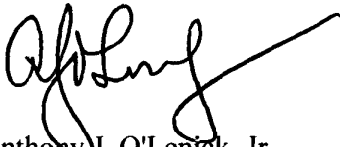
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Discussion Under Rule 98

U.S. Patent 6,180,806 to O'Lenick et al covers glyceryl phosphobetaines. These compounds do not contain the critical ester linkage. This linkage turns out to be critical for biodegradation. Additionally, there is no way to incorporate the polyoxyalkylene groups into the molecules covered by the 6,180,806 technology.

U.S. Patent 6,331,293 to Smith et al covers dimer based phospholipids. These compounds, like the '806 patent, do not contain the critical ester linkage. This linkage turns out to be critical for biodegradation. Additionally, there is no way to incorporate the polyoxyalkylene groups into the molecules covered by this technology.

Respectfully submitted;

A handwritten signature in black ink, appearing to read 'A. O'Lenick, Jr.', with a long, sweeping horizontal line extending to the right.

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